

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re TREMONT SECURITIES LAW, STATE)
LAW AND INSURANCE LITIGATION)

Master Docket No. 1:08-11117 (TPG)

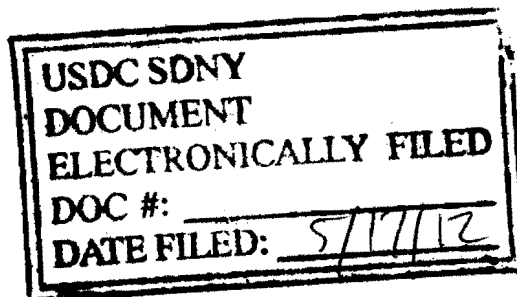
CUMMINS INC., as the authorized)
representative of the Cummins Inc. Grantor)
Trust dated September 10, 2007, as amended,)

Plaintiff,)

v.)

NEW YORK LIFE INSURANCE)
COMPANY, NEW YORK LIFE)
INSURANCE AND)
ANNUITY CORPORATION, TREMONT)
CAPITAL MANAGEMENT, INC., RYE)
INVESTMENT MANAGEMENT,)
MASSMUTUAL HOLDING LLC,)
MASSACHUSETTS MUTUAL LIFE)
INSURANCE CO., OPPENHEIMER)
ACQUISITION CORP., RYE)
SELECT BROAD MARKET PRIME)
FUND L.P., RYE SELECT BROAD)
MARKET XL FUND L.P., RYE SELECT)
BROAD MARKET INSURANCE)
PORTFOLIO, LDC, TREMONT)
OPPORTUNITY FUND III, L.P., TREMONT)
(BERMUDA) LTD., TREMONT GROUP)
HOLDINGS, INC., and TREMONT)
PARTNERS, INC.,)

Defendants.)



Civil Action No. 1:10-9252 (TPG)

ECF CASE

JURY TRIAL DEMANDED

**STIPULATION AND [PROPOSED] ORDER EXTENDING THE SCHEDULE FOR
PLAINTIFF CUMMINS, INC.'S FILING OF ITS REPLIES IN SUPPORT OF MOTION
FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

Whereas, plaintiff Cummins Inc. ("Cummins") filed its Motion for Leave to File Second Amended Complaint in the above captioned matter on April 13, 2012 (Dkt. No 747);

Whereas, defendants New York Life Insurance Company and New York Life Insurance and Annuity Corporation (collectively, "NYL") filed their Memorandum of Law in Opposition

to Plaintiff's Motion for Leave to File Second Amended Complaint on May 10, 2012 ("NYL Response," Dkt. No. 765);

Whereas, defendant Oppenheimer Acquisition Corp. ("Oppenheimer") filed its Joinder in the Tremont Defendants' and MassMutual's Oppositions to Plaintiff's Motion for Leave to File Second Amended Complaint on May 11, 2012 ("Oppenheimer Response," Dkt. No. 769);

Whereas, defendants Tremont Group Holdings, Tremont Partners, Inc., Tremont (Bermuda) Ltd., Tremont Capital Management, Inc., and Rye Investment Management (collectively, "Tremont") filed their Memorandum of Law in Opposition to Plaintiff's Motion for Leave to File Second Amended Complaint on May 11, 2012 ("Tremont Response," Dkt. No. 766);

Whereas, defendants Massachusetts Mutual Life Insurance Company and MassMutual Holding LLC (collectively, "MassMutual") filed their Opposition to Plaintiff Cummins Inc.'s Motion for Leave to File Second Amended Complaint on May 11, 2012 ("MassMutual Response," Dkt. No. 768);

Whereas defendants Rye Select Broad Market Prime Fund, L.P., Rye Select Broad Market Fund XL, L.P., and Tremont Opportunity Fund III, L.P. ("Rye Defendants," and collectively with NYL, Oppenheimer, Tremont, and MassMutual, "Defendants") filed their Joinder in the Tremont Defendants' Opposition to Plaintiff's Motion for Leave to File Second Amended Complaint on May 11, 2012 ("Rye Response," Dkt. No. 767);

Whereas, pursuant to L. R. Civ. P. 6.1(b), Cummins is required to file its Replies in Support of Motion for Leave to File Second Amended Complaint (the "Replies") on or before May 17, 2012 (with respect to the NYL Response) and May 18, 2012 (with respect to the Oppenheimer Response, Tremont Response, Mass Mutual Response and Rye Response);

Whereas, in light of Cummins' briefing of multiple Replies simultaneously, in addition to the extraordinarily busy litigation schedule of Cummins' counsel, Cummins seeks a 28 day

extension of time, to June 15, 2012, to file its Replies in Support of Motion for Leave to File Second Amended Complaint;

Whereas, Defendants do not oppose Cummins' request;

IT IS HEREBY STIPULATED, by and between undersigned counsel for the parties, without waiving any rights, defenses, or arguments they may assert, except as set forth below, and subject to the approval of the Court, as follows:

Cummins shall have until June 15, 2012 to file its Replies in Support of Motion for Leave to File Second Amended Complaint.

May 15, 2012

/s/ Sara Siegall

SARA SIEGALL

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May 15, 2012

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May 15, 2012

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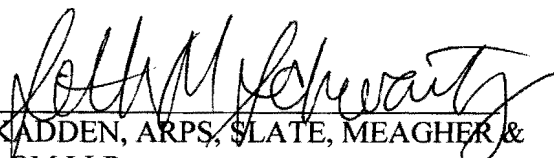
New York, NY 10036

212-858-1500


Attorney for New York Life Insurance

Company and New York Life Insurance and Annuity Corporation

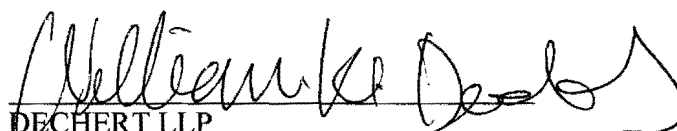
May 15, 2012


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May 15, 2012


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May 15, 2012


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Approved:
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USD
5/15/12